

House Amendment 8563

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1 1 Amend House File 2692 as follows:
1 2 #1. Page 1, line 1, by striking the words and
1 3 figures <subsection 4, Code 2007, is> and inserting
1 4 the following: <subsections 4, 11, and 17, Code 2007,
1 5 are>.
1 6 #2. Page 1, by inserting after line 11 the
1 7 following:
1 8 <11. "Commercial manure service" means a sole
1 9 proprietor or business association as defined in
1 10 section 202B.102, engaged in the business of
1 11 transporting, handling, storing, or applying manure
1 12 for ~~a fee.~~ compensation, but does not include a person
1 13 who only receives compensation for the manure
1 14 originating from that person's own animal feeding
1 15 operation or for applying manure originating from that
1 16 person's own animal feeding operation.
1 17 17. a. "Confinement site manure applicator" means
1 18 a person, other than a commercial manure service or a
1 19 commercial manure service representative, who
1 20 transports, handles, or applies manure on to land if
1 21 the manure originates from a manure storage
1 22 confinement feeding operation structure.
1 23 b. "Confinement site manure applicator" includes a
1 24 person who conducts any activity involved in
1 25 transferring manure from a confinement feeding
1 26 operation structure to its application on land but
1 27 does not include a person who only transfers manure
1 28 within a confinement feeding operation structure,
1 29 transfers manure in an exclusively dry form to or from
1 30 a confinement feeding operation structure at a
1 31 confinement feeding operation, or transfers manure
1 32 inside permanent piping between confinement feeding
1 33 operation structures.>
1 34 #3. Page 1, by inserting after line 13 the
1 35 following:
1 36 <NEW SUBSECTION. 8A. "Business day" means a
1 37 calendar day except Saturday, Sunday, or a holiday
1 38 specified in section 1C.2.>
1 39 #4. Page 3, by inserting after line 12 the
1 40 following:
1 41 <Sec. _____. Section 459.315, subsection 2, Code
1 42 2007, is amended to read as follows:
1 43 2. a. A person required to be certified as a
1 44 commercial manure service representative must be
1 45 certified by the department each year. The
1 46 certification expires on March 1 of each year. The
1 47 person shall be certified after completing an
1 48 educational program which shall consist of ~~an~~ any of
1 49 the following:
2 50 (1) An examination required to be passed by the
2 1 person or three.
2 2 (2) At least two hours of continuing instructional
2 3 courses which the person must attend each year in lieu
2 4 of passing the examination. However, the department
2 5 may require that the person attend up to one
2 6 additional hour of continuing instructional courses
2 7 each year.
2 8 b. A person required to be certified as a
2 9 confinement site manure applicator must be certified
2 10 by the department ~~every three years~~ each year.
2 11 ~~However, if the person is exempt from paying the~~
2 12 ~~certification fee because a family member has paid a~~
2 13 ~~certification fee as provided in section 459.400, the~~
2 14 ~~person's certification shall expire on the same date~~
2 15 ~~that the paid family member's certification expires.~~
2 16 A The certification expires on March 1 of each year.
2 17 The person shall be certified after completing an
2 18 educational program which shall consist of ~~an~~ any of
2 19 the following:
2 20 (1) An examination required to be passed by the
2 21 person or two.
2 22 (2) At least two hours of continuing instructional
2 23 courses which the person must attend each year in lieu
2 24 of passing the examination.

2 25 Sec. _____. Section 459.315, subsection 5, paragraph
2 26 a, subparagraph (2), subparagraph subdivision (a),
2 27 Code 2007, is amended to read as follows:
2 28 (a) ~~The person completes and submits a form as~~
2 29 ~~required by the department documenting that the person~~
2 30 is actively seeking certification under this section.
2 31 Sec. _____. Section 459.315, subsection 5, paragraph
2 32 b, subparagraph (2), subparagraph subdivision (b),
2 33 Code 2007, is amended to read as follows:
2 34 (b) In sight or ~~hearing~~ immediate communication
2 35 distance of the supervised person.
2 36 Sec. _____. Section 459.315, subsection 5, Code
2 37 2007, is amended by adding the following new
2 38 paragraph:
2 39 NEW PARAGRAPH. c. This subsection shall not be
2 40 construed to exempt a person from being required to be
2 41 certified as a confinement site manure applicator
2 42 merely because the person is not required to be
2 43 certified as a commercial manure service
2 44 representative.
2 45 Sec. _____. Section 459.400, subsection 1, paragraph
2 46 d, subparagraph (2), subparagraph subdivision (a),
2 47 Code 2007, is amended to read as follows:
2 48 (a) ~~The person is certified within one year from~~
2 49 ~~the date that a A family member has been certified as~~
2 50 a confinement site manure applicator.>
3 1 #5. Page 4, by inserting after line 34 the
3 2 following:
3 3 <Sec. _____. CURRENT CERTIFICATIONS.
3 4 1. The provisions of this Act shall not affect the
3 5 duration of a three-year certification issued by the
3 6 department of natural resources to a person as a
3 7 confinement site manure applicator pursuant to section
3 8 459.315 prior to the effective date of this Act, if
3 9 all of the following apply:
3 10 a. The certification is valid on the date
3 11 immediately prior to the effective date of this Act.
3 12 b. The person complies with the applicable
3 13 requirements provided in chapter 459, including
3 14 section 459.315 as amended by this Act.
3 15 2. The person's three-year certification shall
3 16 remain valid regardless of whether the person paid a
3 17 certification fee or was exempt from paying the
3 18 certification fee as provided in sections 459.315 and
3 19 459.400, as those sections existed on the date
3 20 immediately prior to the effective date of this Act.
3 21 3. At the end of the duration of the person's
3 22 certification as a confinement site manure applicator
3 23 as provided in section 459.315 as that section existed
3 24 on the date immediately prior to the effective date of
3 25 this Act, the person's certification shall expire and
3 26 the person shall only be certified as a confinement
3 27 site manure applicator on an annual basis as provided
3 28 in section 459.315, as amended by this Act.
3 29 4. The department may adopt rules as necessary to
3 30 implement this section.>
3 31 #6. Title page, line 2, by inserting after the
3 32 words <and the> the following: <management and>.
3 33 #7. By renumbering as necessary.
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3 37 COMMITTEE ON AGRICULTURE
3 38 MERTZ of Kossuth, Chairperson
3 39 HF 2692.701 82
3 40 da/nh/11595